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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/798,045
Filing Date: March 11, 2004
Appellant(s): HOHENSEE ET AL.

Sean J. Varley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 7, 2009 appealing from the Office action mailed May 28, 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

1. US Patent No. RE37,258 Patel
2. US Publication No. 2003/0023590 Atkin

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3,5,6-9,11,13,14,16,18-22,24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al. (US Patent No. RE37,258) in view of Atkin (US Publication No. 2003/0023590).

Regarding claims 1, 7, 14, 20, Patel'258 teaches controlling downstream processing of print stream (format the printable information, column 1, line 49-50), the method comprising: receiving the print stream (the application program interacts with

the printer driver software, column 2, line 25-30, further, number 108 in Fig. 1 shows the printer driver receiving a signal from the application program); inserting a control parameter in the print stream to modify the print stream (printer driver software produces a reformatted information stream containing the embedded commands, column 2, line 35-38), and transmitting the modified print stream for downstream processing (the converted information stream is applied to a printer port, column 2, line 38-41). Patel'258 fails to teach identifying the section of the Unicode complex text in the print stream, a print stream contains a section of Unicode complex text and wherein the control parameter comprises: a first parameter indicating a type of downstream processing for the Unicode complex text in the print stream; and a second parameter for enabling or disabling the downstream processing of the Unicode complex text in the print stream.

Atikin'590 teaches identifying the section of the Unicode complex text (Unicode character stream) in the print stream (step 41, Fig. 4, example given in paragraph 112, control codes would need to be inserted, as in step 41) a print stream contains a section Unicode complex text (Unicode data, paragraph 0077) and wherein the control parameter (metatag, paragraph 0077) comprises: a first parameter (metatag, paragraph 0077) indicating a type of downstream processing for the Unicode complex text in the print stream (algorithms can be recast in a more manageable context according to the metadata framework of the invention, paragraph 0061); and a second parameter (more parameters, number 45, Fig. 4) for enabling and disabling the downstream processing

of the Unicode complex text in the print stream (cancel, paragraph 0081, ignore, paragraph 0085).

Having a system of Patel'258 reference and then given the well-established teaching of Atikin'590 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the print driver system of Patel'258 reference to include the tag mechanism as taught by Atikin'590 reference since the tag mechanism allows for an unlimited number of possible identifiers, yet does not require any future code points to be registered by a standardization body, and further the result of the combination would have been predictable.

Regarding claim 3, 8, 16, and 21 the combination of Patel'258 and Atikin'590 teach wherein the first parameter indicates bidirectional (bidi) layout processing of the Unicode complex text (bidirectional algorithm, paragraph 0086, Atikin'590).

Regarding claim 5, 11, 18, and 24, the combination of Patel'258 and Atikin'590 teach wherein the first parameter indicates layout processing of glyphs within the Unicode complex text (MIR, paragraph 0107 Atikin'590).

Regarding claim 6, 13, 17, and 26 the combination of Patel'258 and Atikin'590 teach wherein the control parameter further includes a third parameter indicating text

positioning at the completion of the downstream processing of the Unicode complex text (DIR, paragraph 0106 Atikin'590).

Regarding claim 9 and 22, the combination of Patel'258 and Atikin'590 teach wherein the first parameter indicates a paragraph direction for the bidirectional layout processing of the Unicode complex text (PAR tag, paragraph 105 Atikin'590).

(10) Response to Argument

Appellants on page 7, brief, argue that:

- a. The Appellants submit that Atkin does not teach or reasonably suggest the limitation of "a second parameter for disabling the type of downstream processing of the section of Unicode complex text identified in the print stream" as recited in claim 1. The Examiner suggests that Atkin teaches that 'tag' values included in a Unicode datastream may be used to disable the downstream processing of a section of Unicode text. Specifically, the Examiner suggests that a 'cancel' tag can be used to disable the downstream processing. The Appellants respectfully disagree. Although Atkin suggests that the cancel tag can be used mark the end of a section of characters in the datastream assigned language metadata, there is no teaching or suggestion in Atkin that the cancel tag is operable to disable language metadata assigned to the section of characters. To relate this to the metadata language example above, a section of the datastream is identified as residing between the language tag and the cancel tag. Characters in the identified section of the datastream are assigned the French language metadata irrespective of the inclusion of the cancel marking the end of the identified section.

However, notice that the semantics of the cancel tag is left to the protocol designer. It is possible that in some protocols the cancel tag might undo the last tag, while in others; it may act as an end marker for terminating scope (paragraph 0081). An undo of a last tag is considered by the examiner as disabling the downstream processing of the section of Unicode.

Further, notice the ignore bidirectional property, considered to be a control parameter by the examiner, described in paragraphs 0085-0086. The ignore parameter can be used to disable the Unicode Bidirectional Algorithm for characters in the Unicode character stream (paragraph 86, these characters are prevented from participating in the Unicode Bidirectional Algorithm).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Lawrence E. Wills/

Examiner, Art Unit 2625

Conferees:

/King Y. Poon/

Supervisory Patent Examiner, Art Unit 2625

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Supervisory Patent Examiner, Art Unit 2625